THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 4540 of 1998

O R D E R:

This writ petition is filed by the A.P. State Road Transport Corporation questioning the order dated 22-09-1997 made in A.P.No.791 of 1996 on the file of the State Transport Appellate Tribunal, (for short the Tribunal), Hyderabad setting aside the order of the second respondent-Regional Transport Authority, dated 8-08-1996, whereunder the request of the third respondent herein for grant of stage carriage permit as town service on the route – Chittoor bus stand to Kakarakayalapalli was rejected.

Heard the learned counsel for the petitioner.

Despite service notice, the third respondent did not choose to appear.

It is to be noted that the request of the third respondent for grant of stage carriage permit was opposed by the Corporation on the ground that only the existing town services operating on the notified route are exempted and therefore no permit can be issued on town services route. However, the said contention was not accepted by the Tribunal, while allowing the appeal.

A constitutional bench of the Supreme Court in ***A.P. State Road Transport Corporation v. Regional Transport Authority and another***[1] having considered the said issue held that permits can be issued only to the existing town services operating on the notified routes. Thus, it is clear that only existing operators on the notified routes are eligible for permits and fresh applicants or future applicants are totally ineligible for grant of permits for town services operating on notified routes.

In view of the ratio laid down by the Supreme Court in the above decision, the order of the Tribunal was erroneous and accordingly, the same is set aside.

Accordingly, the writ petition is allowed. No costs.

G. ROHINI, J

Dated: 6-11-2006
Kgr

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 4540 of 1998

Dated: 6-11-2006

Between:

The Regional Manager, APSRTC,
Tirupati, Chittoor district.

..... PETITIONER

AND

State Transport Appellate Tribunal,
A.P. Hyderabad, rep., by its
Presiding Officer and two others. **.....RESPONDENTS**

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[1] (2005)4 Supreme Court Cases 391